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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,832	01/12/2004	Hayden Bostock	5163BD-1-1	2377
22442	7590	06/22/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			NGUYEN, SON T	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/756,832		BOSTOCK, HAYDEN	
	Examiner		Art Unit	
	Son T. Nguyen		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SON T. NGUYEN
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4,6,8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Updegraff et al. (219608) in view of Welcome (408944).

For claim 1, Updegraff et al. teach a safety stirrup comprising: a generally U-shaped mounting member (a,a'), and a foot support member (d,d',d²,d³) that extends around a rider's foot, such that when the rider's foot is in the normal use position, the foot support member is supported within the generally U-shaped mounting member by at least one mounting comprising a releaseable connection (f,g,a²,a⁴) between the generally U-shaped mounting member and the foot support, wherein vertically upward movement of the rider's foot out of the normal use position causes vertically upward movement of the foot support member such that at least one mounting releases the foot support member sufficiently that the foot support member can move in the same direction as the rider's foot until the foot support member is fully disconnected from the U-shaped mounting member (page 1, right column, and page 2, left column). However, Updegraff et al. are silent about the foot support member being generally oval.

Welcome teaches a safety stirrup comprising a mounting member (2) and a generally oval foot support member (a). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to employ a generally oval foot support member as taught by Welcome in place of the U-shaped foot support member of Updegraff et al., depending on the user's preference to do so for a more aesthetically pleasing in appearance oval support member versus a U-shaped foot support member.

For claims 2 & 3, in addition to the above already discussed limitation, Updegraff et al. as modified by Welcome (emphasis on Updegraff et al.) further teach at least one projection (f,g) located in a recess (a^2, a^4) adjacent to the U-shaped mounting member to allow full disconnection of the mounting member and foot support member to restricts movement of the at least one additional projection to vertical and rotational movement.

For claim 4, in addition to the above already discussed limitation, Updegraff et al. as modified by Welcome (emphasis on Updegraff et al.) further teach wherein the at least one projection (f or g) is located on the foot support and is received in one or more recesses (a^2 or a^4) in the U-shaped mounting member.

For claim 6, Updegraff et al. as modified by Welcome (emphasis on Updegraff et al.) teach wherein one additional projection (f or g) is located on one side of the foot support member, and additional projection (f or g) is located on an opposing side of the foot support member, each additional projection being received in a complementary shaped recess (a^2, a^4) in the U-shaped mounting member.

For claim 8, Updegraff et al. as modified by Welcome (emphasis on Updegraff et al.) teach wherein at least one of the complementary shaped recesses includes an indentation (a^4) in which the additional projection (g) resides during normal use, but

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vertical movement of the rider's foot out of the normal use position causes the additional projection to move out of the indentation, releasing the foot support sufficiently that the additional projection can move along a guide (a⁵) and the foot support member can move in the same direction as the rider's foot prior to the foot support being fully disconnected from the U-shaped mounting member.

3. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Updegraff et al. as modified by Welcome as applied to claim 2 above, and further in view of Evans (2641883).

Updegraff et al. as modified by Welcome are silent about a biasing means.

Evans teaches a safety stirrup comprising: a generally U-shaped mounting member (21,3,4), and a foot support member (1) for receiving a rider's foot, such that when the rider's foot is in the normal use position, the foot support member is supported within the generally U-shaped mounting member by at least one mounting comprising a releaseable connection (see fig. 5) between the generally U-shaped mounting member and the foot support, wherein vertically upward movement of the rider's foot out of the normal use position causes vertically upward movement of the foot support member such that at least one mounting to release the foot support member sufficiently that the foot support member can move in the same direction as the rider's foot until the foot support member is fully disconnected from the U-shaped mounting member (col. 2, lines 35-38). In addition, Evans teaches further includes a biasing means (14) to resist movement of the at least one projection in a respective recess (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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employ a biasing means as taught by Evans in the stirrup of Updegraff et al. as modified by Welcome in order to hold the foot support in position and prevent the foot support from slipping back and releasing (col. 2, lines 45-50 of Evans).

4. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Updegraff et al. as modified by Welcome as applied to claim 2 above, and further in view of Martin (5979149).

Updegraff et al. as modified by Welcome are silent about the stirrup being constructed out of a non-metallic material.

Martin teaches a safety stirrup comprising of a non-metallic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the safety stirrup of Updegraff et al. as modified by Welcome out of a non-metallic material as taught by Martin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4,6,8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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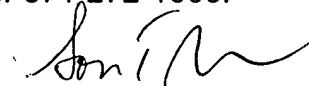
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Son T. Nguyen
Primary Examiner
Art Unit 3643

stn